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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>Hon.</b>
<b>v.</b>	<b>:</b>	<b>Civil Action No. 21-</b>
<b>APPROXIMATELY \$544,547.90</b>	<b>:</b>	<b>VERIFIED COMPLAINT</b>
<b>SEIZED FROM MILITARY AND</b>	<b>:</b>	<b><u>FOR FORFEITURE <i>IN REM</i></u></b>
<b>CIVILIAN CREDIT UNION</b>	<b>:</b>	
<b>ACCOUNT NUMBER [REDACTED]</b>	<b>:</b>	
<b>[REDACTED]0527, HELD IN THE NAME OF</b>	<b>:</b>	
<b>HIGH PLACES CONCIERGE</b>	<b>:</b>	
<b>SERVICE,</b>	<b>:</b>	

***Defendant in rem.***

Plaintiff the United States of America, by its attorney, Rachael A. Honig, Acting United States Attorney for the District of New Jersey, for its verified complaint (the “Complaint”) alleges, upon information and belief, as follows:

**I. NATURE OF THE ACTION**

1. This action is brought by the United States of America seeking the forfeiture of approximately \$544,547.90 seized from Military and Civilian Credit Union account number [REDACTED]0527, held in the name of High Places Concierge Service on or about January 12, 2021 (hereinafter referred to as the “Defendant *in rem*” or the “defendant property”).

2. The Defendant *in rem* is subject to seizure and forfeiture to the United States of America pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984, which subjects to forfeiture any property, real or personal, that constitutes or is derived from proceeds traceable to wire fraud, in violation of 18 U.S.C. § 1343, which is an offense constituting specified unlawful activity, as defined in 18 U.S.C. § 1956(c)(7).

## **II. JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355(a).

4. Venue is proper pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the District of New Jersey.

5. The Defendant *in rem* is being held on deposit by the Department of Homeland Security in the Department of Homeland Security's Port of Anchorage suspense account in Anchorage, Alaska.

## **III. FACTS**

6. Company 1 was a dairy company located in Burlington, New Jersey.

7. Company 2, a company located in Vineland, New Jersey, was a customer of Company 1.

8. Company 1 and Company 2 have a long-standing, productive business relationship.

9. In or around October 2020, Company 1 determined it was the victim of a business email compromise (hereinafter "BEC").

10. A BEC is a sophisticated type of scam used to exploit businesses. Often, perpetrators target businesses that work with foreign or domestic suppliers and/or businesses that regularly perform wire transfer payments. These types of scams are often carried out by compromising legitimate business e-mail accounts through social engineering<sup>1</sup> or computer intrusion techniques to conduct an unauthorized transfer of funds. The goal of most BECs, as with the one described herein, is to steal money from the victim through fraud and deceit.

11. In or about September of 2020, Company 2 purchased approximately \$1 million dollars' worth of dairy products from Company 1.

12. The president of Company 2 communicated with employees at Company 1 via e-mail in order to arrange payments for the purchase. During these communications, the president of Company 2 received an e-mail appearing to be from a Company 1 employee and containing payment information and instructions. The communications directed that payment should be sent to Military and Civilian Credit Union account number [REDACTED] 0527.

13. Military and Civilian Credit Union is a bank located in Fairbanks, Alaska. Company 1 has since determined that the e-mail containing payment instructions was not sent by any of its employees and that it contained fraudulent payment information.

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<sup>1</sup> "Social engineering" is a term used to describe various manipulation techniques whereby a perpetrator uses deception to trick a victim into providing access to network systems or confidential information.

14. After receiving the fraudulent email, the president of Company 2 forwarded the e-mail containing the fraudulent payment information to an employee in Company 2's finance group. Thereafter, Company 2 made the following payments to Military and Civilian Credit Union account number [REDACTED] 0527 under the belief that the money was being transmitted to Company 1 as agreed upon payment for dairy products:

<b>Date</b> (on or about)	<b>Amount</b>
October 9, 2020	\$193,068.00
October 16, 2020	\$419,621.22
October 23, 2020	\$527,405.46
<b>Total</b>	<b>\$1,140,094.68</b>

15. On or about October 23, 2020, Company 1 contacted Company 2 regarding the whereabouts of expected payments for the dairy products Company 2 had agreed to purchase. Company 1 had received e-mail communications from what appeared to be a Company 2 e-mail account indicating that payments would be delayed. In response, Company 2 indicated that it had, in fact, transmitted payments to what it believed to be Company 1 using the payment information for Military and Civilian Credit Union account number [REDACTED] 0527.

16. At that point, both parties realized that they had been defrauded. Upon this discovery, Company 2 contacted its bank and successfully stopped the payment of \$527,405.46 sent on or about October 23, 2020. However, Company 2 was unable to recover the remaining \$612,689.82 that had previously been wired to Military and Civilian Credit Union account number

██████████0527 under the fraudulent pretenses that the account belonged to Company 1. Thereafter, Company 2 contacted law enforcement authorities to request assistance.

17. As part of its investigation, Homeland Security Investigations contacted Military and Civilian Credit Union. An employee at Military and Civilian Credit Union advised that the signatory on Military and Civilian Credit Union account number ██████████0527 is an individual named Jamie Newton. Neither Company 1 nor Company 2 have any accounts at the bank. Jamie Newton is not employed by either company.

18. On or about January 12, 2021, a seizure warrant issued by United States Magistrate Judge Donio for the contents of Military and Civilian Credit Union account number ██████████0527 was served on Military and Civilian Credit Union.

#### **IV. CLAIM FOR FORFEITURE**

19. The allegations contained in paragraphs 1 through 18 of this Complaint are incorporated herein and made part hereof.

20. As a result of the foregoing, the Defendant in rem is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 984, because the Defendant in rem constitutes or is derived from proceeds traceable to wire fraud, in violation of 18 U.S.C. § 1343, which is an offense constituting specified unlawful activity, as defined in 18 U.S.C. § 1956(c)(7).

WHEREFORE, the United States of America requests that the Clerk of the Court issue a warrant for the arrest and seizure of the Defendant in rem

pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure, which the plaintiff will execute upon the Defendant in rem pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c); that notice of this action be given to all persons who reasonably appear to be potential claimants to the Defendant in rem; that the Defendant in rem be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action; and that the Court grant such other and further relief it deems just and proper.

Dated: Newark, New Jersey  
June 24, 2021

RACHAEL A. HONIG  
Acting United States Attorney

s/Sarah Devlin  
By: SARAH DEVLIN  
Assistant United States Attorney


**VERIFICATION**

I, Darren Koller, hereby verify and declare under penalty of perjury that I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations, that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to the best of my own knowledge, information, and belief.

The sources of my knowledge and the grounds of my belief include the official files and records of the United States; information obtained directly by me; and information supplied to me from and by other law enforcement officials, during an investigation of alleged violations of 18 U.S.C. § 1343.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated this 11<sup>th</sup> day of June, 2021.

  
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Darren Koller, Special Agent  
Homeland Security Investigations